

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE C.N.RAMACHANDRAN NAIR

WEDNESDAY, THE 8TH AUGUST 2007 / 17TH SRAVANA 1929

WP(C).No. 16841 of 2006(E)

PETITIONER:

1. THE KERALA STATE ELECTRICITY BOARD,
REPRESENTED BY ITS SECRETARY,
VYDYUTHI BHAVANAM, THIRUVANANTHAPURAM.

2. THE ASSISTANT EXECUTIVE ENGINEER,
ELECTRICAL SUB DIVISION, KSEB, ADOOR.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB

RESPONDENTS:

1. THE ADDITIONAL DISTRICT MAGISTRATE,
PATHANAMTHITTA.

2. M.K. SIVADASA PANICKER,
CHANDRIKA BHAVAN, ADOOR. P.O.

BY ADV. SRI.M.P.KRISHNAN NAIR – FOR R2
ADV. SMT.M.K.PUSHPALATHA, GOVERNMENT PLEADER

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD
ON 08/08/2007, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:

APPENDIX

PETITIONER'S EXHIBITS

- P1 : COPY OF THE ORDER NO.K.DIS-49756/04/S7 DATED 27/08/2005.
- P2 : COY OF THE COVER IN WHICH EXT.P1 IS RECEIVED IN OFFICE OF THE 2ND RESPONDENT DATED 21/03/2006.
- P3 : COPY OF THE JUDGMENT DATED 16/03/2005 IN WP(C) No. 7719/2005.
- P4 : COPY OF THE FORWARDING LETTER AND ESTIMATE DATED 24/05/2005.
- P5 : COPY OF THE NOTICE DATED 06/12/2000.
- P6 : COPY OF the ORDER ISSUED BY ELECTRICAL INSPECTOR DATED 17/04/2002.
- P7 : COPY OF THE ORDER, DATED 07/01/1992.

RESPONDENT'S EXHIBITS

- R2(a) : COPY OF the JUDGEMNT DATED 02/04/2004 IN OP 12130/2003 OF THIS HON'BLE COURT.
- R2(b) : COPY OF THE NOTICE NO.S7-49756/2004 DATED 27/01/2005 ISSUED by the 1ST RESPONDENT.
- R2(c) : COPY OF THE REPRESENTATION SUBMITTED BY THE 2ND RESPONDENT BEFORE THE ADDL. DISTRICT MAGISTRATE, THE 1ST RESPONDENT HEREIN, TO DROP THE PROPOSAL TO DRAW ELECTRIC LINE THROUGH HIS PROPERTY BY PASTOR JOHN CHERIYAN.

// TRUE COPY //

PA TO JUDGE.

jg

C.N.RAMACHANDRAN NAIR, J.

WP(C) No. 16841 of 2006

Dated, this the 8th day of August, 2007

J U D G M E N T

Petitioner-Board is challenging ADM's order approving shifting of electric line from 2nd respondent's property to a nearby road. The ADM has further stated that the cost should be met by the KSEB. Learned Standing Counsel for KSEB submitted that the road is a private pathway and there is likelihood of objection from the public. Of course, I am sure that the ADM did not intend to block the road or the private pathway by installing an electric post. So far as the line is not exclusively for the benefit of the 2nd respondent, 2nd respondent should not be directed to pay the cost merely because he is the beneficiary of shifting of the post and the line. In the circumstances, this writ petition is disposed of upholding the order of the ADM directing KSEB to install the post and shift the line at their cost but without causing obstruction on the road.

(C.N.RAMACHANDRAN NAIR, JUDGE)